S T A T E O F N E W Y O R K

2602--B

2015-2016 Regular Sessions

I N S E N A T E

January 26, 2015

Introduced by Sens. LATIMER, MARCHIONE -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to requiring a study and report on the total cost of developing all student assessments and to establish a content review committee to review standardized test items and passages; and making an appropriation therefor

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 305 of the education law is amended by adding a new subdivision 53 to read as follows:

53. A. THE COMMISSIONER SHALL UNDERTAKE A STUDY TO DETERMINE THE TOTAL COST OF DEVELOPING ALL STUDENT ASSESSMENTS, INCLUDING THE TOTAL COST OF PREPARING STUDENTS FOR ALL ASSESSMENTS, THE TOTAL COST OF ADMINISTERING ALL ASSESSMENTS, AND THE TOTAL COST OF GRADING AND REVIEWING ALL ASSESSMENTS IN THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR.

B. THIS STUDY REQUIRED PURSUANT TO PARAGRAPH A OF THIS SUBDIVISION SHALL RESULT IN A REPORT, WHICH DETAILS ALL SAID COSTS AND SHALL BE FILED WITH THE GOVERNOR, THE DIRECTOR OF THE DIVISION OF THE BUDGET, THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, THE CHAIR OF THE SENATE FINANCE COMMITTEE AND THE CHAIRS OF THE ASSEMBLY AND SENATE EDUCATION COMMITTEES. SUCH REPORT SHALL ALSO BE POSTED ON THE WEBSITE OF THE DEPARTMENT BY DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN AND SHALL BE DEEMED A PUBLIC DOCUMENT.

C. THE COMMISSIONER'S STUDY SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING INFORMATION:

(1) THE TOTAL NUMBER OF STUDENT ASSESSMENTS ADMINISTERED IN EACH SCHOOL DISTRICT IN THE STATE. THIS SHALL INCLUDE A COUNT OF STATE

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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REQUIRED ASSESSMENTS AND ASSESSMENTS WHICH ARE LOCALLY OR COMMERCIALLY DEVELOPED ASSESSMENTS WHICH ARE ADMINISTERED BY PUBLIC SCHOOL DISTRICTS AND THE TOTAL NUMBER OF ASSESSMENTS EACH STUDENT COHORT WAS ADMINISTERED ON AVERAGE FROM KINDERGARTEN THROUGH GRADE TWELVE DURING THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR;

(2) THE TOTAL COST OF STUDENT ASSESSMENTS ADMINISTERED IN EACH SCHOOL DISTRICT IN THE STATE. THE TOTAL COST SHALL BE DISAGGREGATED TO DETERMINE THE AMOUNT OF PUBLIC FUNDS WHICH WERE EXPENDED ON NON-SCHOOL DISTRICT EMPLOYEES, VENDORS, AND OTHER ENTITIES WITH WHICH THE STATE AND SCHOOL DISTRICTS CONTRACT FOR STUDENT ASSESSMENT PURPOSES INCLUDING PURCHASE AND LICENSING COSTS, TEST DEVELOPMENT, TEST BOOKLETS, SCORING SHEETS AND SCORING COSTS;

(3) LOGISTICAL, PREPARATION AND ADMINISTRATION COSTS INCLUDING, BUT NOT LIMITED TO, DISTRIBUTING AND COLLECTING ASSESSMENT MATERIALS, ASSESSMENT DIRECTIONS, AND STORING MATERIALS;

(4) COST OF TEST PREPARATION MATERIALS;

(5) COST OF DATA COACHES;

(6) COST OF DATA ANALYSIS OR DASHBOARD SYSTEMS, INFORMATION TECHNOLOGY MAINTENANCE, PURCHASE, OR UPGRADE;

(7) COST OF PROFESSIONAL DEVELOPMENT FOCUSED PRIMARILY ON STUDENT ASSESSMENT DATA;

(8) COST OF TRAINING FOR TEST ADMINISTRATORS AND PROCTORS;

(9) PER-PUPIL COSTS OF ANY ADDITIONAL ASSESSMENTS ADMINISTERED TO STUDENT SUBGROUPS INCLUDING ENGLISH LANGUAGE LEARNERS, STUDENTS RECEIVING INTERVENTION OR REMEDIATION SERVICES, STUDENTS WITH DISABILITIES, AND ECONOMICALLY DISADVANTAGED STUDENTS; AND

(10) ANY OTHER COSTS RELATED TO STUDENT ASSESSMENTS.

D. IN ADDITION, THE STUDY SHALL DETERMINE THE TOTAL AMOUNT OF TIME SPENT BY SCHOOL ADMINISTRATORS, TEACHERS, AND STUDENTS ON STUDENT ASSESSMENTS AND ASSOCIATED ACTIVITIES DURING THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR. THIS SHALL INCLUDE TIME SPENT BY STUDENTS TAKING ALL STATE AND DISTRICT ASSESSMENTS; TIME SPENT BY SCHOOL ADMINISTRATORS AND TEACHERS FOR ADMINISTRATIVE TASKS SUCH AS DISTRIBUTING AND COLLECTING ANSWERING SHEETS AND GIVING DIRECTIONS, AND THE TOTAL AMOUNT OF TIME SPENT PREPARING STUDENTS TO TAKE THE ASSESSMENTS. TIME RELATED DATA COLLECTED PURSUANT TO THIS PARAGRAPH SHALL BE DISAGGREGATED BY THE FOLLOWING STUDENT GROUPS: ENGLISH LANGUAGE LEARNERS, STUDENTS RECEIVING INTERVENTION OR REMEDIATION SERVICES, STUDENTS WITH DISABILITIES, GENERAL EDUCATION STUDENTS, AND ECONOMICALLY DISADVANTAGED STUDENTS.

E. THE COMMISSIONER SHALL SUBMIT THE METHODOLOGY USED TO CALCULATE THE COSTS ASSOCIATED WITH STUDENT ASSESSMENTS TO THE COMPTROLLER BEFORE THE COMMISSIONER CONDUCTS THE STUDY PURSUANT TO THIS SUBDIVISION. THE COMPTROLLER SHALL MAKE A WRITTEN ANALYSIS OF THE METHODOLOGY USED BY THE COMMISSIONER TO DETERMINE THE COSTS ASSOCIATED WITH STUDENT ASSESSMENTS. THE COMPTROLLER'S ANALYSIS SHALL INCLUDE A DETERMINATION ABOUT THE QUALITY OF THE METHODOLOGY USED BY THE COMMISSIONER AND THE EXTENT TO WHICH THE METHODOLOGY WILL RESULT IN AN ANALYSIS THAT PROPERLY ACCOUNTS FOR THE ACTUAL COSTS INCURRED BY SCHOOL DISTRICTS ON STUDENT ASSESSMENTS AND RELATED ACTIVITIES.

S 2. Section 305 of the education law is amended by adding a new subdivision 54 to read as follows:

54. A. THE COMMISSIONER SHALL UNDERTAKE A STATE-WIDE SURVEY OF SCHOOL ADMINISTRATORS AND TEACHERS ABOUT THE TIME THEY SPEND ON TEST PREPARATION FOR EACH STUDENT ASSESSMENT AND THE IMPACT OF TEST PREPARATION ON THE QUALITY OF INSTRUCTION. THE SURVEY SHALL PROVIDE SCHOOL ADMINISTRA-

TORS AND TEACHER RESPONDENTS ANONYMITY. THE SURVEY SHALL INCLUDE: THE IMPACT THAT STUDENT ASSESSMENTS HAVE ON CURRICULUM; THE AMOUNT OF TIME A TEACHER SPENDS ON TEST-TAKING STRATEGIES, SIMULATING THE TESTING ENVIRONMENT, AND ALIGNING CURRICULUM CONTENT TO ASSESSMENTS; THE EXTENT TO WHICH ASSESSMENTS AFFECT INSTRUCTION TIME FOR DIFFERENT STUDENT SUBGROUPS; AND ANY OTHER RELEVANT QUESTIONS ABOUT THE IMPACT OF STUDENT ASSESSMENTS ON THE SCHOOL LEARNING ENVIRONMENT. IN ADDITION THE SURVEY SHALL SOLICIT RECOMMENDATIONS FROM SCHOOL ADMINISTRATORS AND TEACHERS REGARDING MAKING STUDENT ASSESSMENTS COST EFFECTIVE, TIME EFFICIENT, SUPPORTIVE OF TEACHING AND LEARNING, ALIGNED WITH THE CURRICULUM AND FOCUSED ON STUDENT AND TEACHER GROWTH.

B. THIS SURVEY SHALL RESULT IN A REPORT WHICH DETAILS THE RESULTS AND CONCLUSIONS FROM THE SURVEY AND SHALL BE FILED WITH THE GOVERNOR, THE DIRECTOR OF THE DIVISION OF THE BUDGET, THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, THE CHAIR OF THE SENATE FINANCE COMMITTEE AND THE CHAIRS OF THE ASSEMBLY AND SENATE EDUCATION COMMITTEES BY DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN. SUCH REPORT SHALL ALSO BE POSTED ON THE WEBSITE OF THE DEPARTMENT AND SHALL BE DEEMED A PUBLIC DOCUMENT. THE REPORT SHALL NOT INCLUDE ANY INFORMATION WHICH SPECIFICALLY IDENTIFIES ANY INDIVIDUAL SCHOOL ADMINISTRATOR, TEACHER OR PUPIL.

S 3. Section 305 of the education law is amended by adding a new subdivision 51-a to read as follows:

51-A. ON OR BEFORE JUNE FIRST, TWO THOUSAND FIFTEEN, AND EACH YEAR THEREAFTER, THE COMMISSIONER SHALL RELEASE A SIGNIFICANT AMOUNT OF TEST QUESTIONS AND CORRESPONDING CORRECT ANSWERS FROM EACH OF THE MOST RECENTLY ADMINISTERED ENGLISH LANGUAGE ARTS AND MATHEMATICS EXAMINATIONS IN GRADES THREE THROUGH EIGHT OF THAT YEAR. THE NUMBER OF QUESTIONS AND ANSWERS RELEASED SHALL NOT BE SO SIGNIFICANT AS TO HINDER OR IMPAIR THE VALIDITY AND/OR RELIABILITY OF FUTURE EXAMINATIONS BUT SHALL PROVIDE ENOUGH OF AN OVERVIEW OF EACH EXAMINATION SO THAT TEACHERS, ADMINISTRATORS, PRINCIPALS, PARENTS AND STUDENTS CAN BE PROVIDED WITH SUFFICIENT FEEDBACK ON THE TYPES OF QUESTIONS ADMINISTERED AND, BY JULY FIRST, TWO THOUSAND FIFTEEN, AND EACH YEAR THEREAFTER, THE COMMISSIONER SHALL RELEASE THE GENERAL STUDENT SUCCESS RATE IN ANSWERING SUCH QUESTIONS CORRECTLY.

S 4. The sum of eight million four hundred thousand dollars ($8,400,000), or so much thereof as may be necessary, is hereby appropriated to the department of education out of any moneys in the state treasury in the general fund to the credit of the state purposes account, not otherwise appropriated, and made immediately available, for the purpose of carrying out the provisions of subdivision 51-a of section 305 of the education law, as added by section three of this act and for creating and printing more forms of state standardized assessments in order to eliminate stand-alone multiple choice field tests and release a significant amount of test questions. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by the commissioner of education in the manner prescribed by law.

S 5. Section 305 of the education law is amended by adding a new subdivision 55 to read as follows:

55. THE COMMISSIONER IS AUTHORIZED AND DIRECTED TO ESTABLISH A CONTENT REVIEW COMMITTEE FOR THE PURPOSE OF REVIEWING ANY STANDARDIZED TEST ITEMS AND/OR SELECTED PASSAGES FOR USE ON STATE ASSESSMENTS IN GRADES THREE THROUGH EIGHT TO ENSURE THAT THEY ARE GRADE APPROPRIATE AND THAT THE COMPLEXITY OF THE ITEMS AND PASSAGES ARE WITHIN GRADE-LEVEL EXPECTA-

TIONS. SUCH COMMITTEE SHALL ALSO ENSURE THAT ANY TEST ITEMS AND/OR SELECTED PASSAGES ARE FAIR AND APPROPRIATELY MEASURE THE LEARNING STANDARDS APPROVED BY THE BOARD OF REGENTS APPLICABLE TO SUCH SUBJECT AND/OR GRADE LEVEL. SUCH COMMITTEE SHALL ALSO ENSURE THAT ADEQUATE AND APPROPRIATE TIME IS GIVEN TO STUDENTS FOR THE ADMINISTRATION OF SUCH ASSESSMENTS, PROVIDED HOWEVER THAT SUBDIVISION FORTY-NINE OF THIS SECTION MUST BE COMPLIED WITH. THE CONTENT REVIEW COMMITTEE SHALL INCLUDE CLASSROOM TEACHERS AND EXPERIENCED EDUCATORS IN THE CONTENT AREA AND/OR GRADE LEVEL OF THE ITEMS/PASSAGES BEING REVIEWED, INCLUDING TEACHERS OF STUDENTS WITH DISABILITIES AND ENGLISH LANGUAGE LEARNERS.

S 6. This act shall take effect immediately.